

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRADITION MEDIA GROUP, LLC,)	
)	Case No. 1:21-cv-4471
Plaintiff,)	
v.)	Judge John F. Kness
)	
U.S. BANK NATIONAL ASSOCIATION,)	Magistrate Judge Maria Valdez
)	
Defendant.)	

DECLARATION OF PATRICK McDERMOTT

I, Patrick McDermott, have personal knowledge of the facts stated below and, under penalty of perjury, hereby declare:

1. This Declaration is based on my personal knowledge, and if called upon to do so, I would be prepared to testify as to its truth and accuracy.
2. I am one of the managing members of Tradition Media Group, LLC (“TMG”).
3. I have worked for TMG and its predecessor in interest, QuadW International, Inc. (“QuadW”), since 2010.
4. TMG and QuadW have been continuously operating a consumer-facing loan services company under the public name and mark MAXCASH since 2009.
5. The MAXCASH business advertises and reaches out to potential customers who are seeking loans, and then connects those customers with lenders who lend the actual money.
6. For the first several years, QuadW was the sole corporate entity behind the MAXCASH business.
7. After TMG was formed, QuadW and TMG operated the MAXCASH business together, but the public reputation and goodwill of the business have always been embodied in the public-facing name and mark MAXCASH.

8. Based on the corporate records of TMG and QuadW, between 2009 and 2020, TMG and QuadW together spent over \$831,000 on advertising, though the more recent years represent the highest percentage of that amount.

9. TMG maintains a database of customers who have given TMG enough personal information to be passed on to a partner lender as a lead. TMG's current version of that database contains customer data from 2013 to the present.

10. Between 2013 and December 1, 2020, over 802,000 customer entries were created in that database. In the middle of April 2022, that database had more than 2.26 million entries. As of the week of September 18, 2023, that database has more than 10.8 million entries.

11. The Nationwide Multistate Licensing System ("NMLS") is a national organization and system which allows members to apply for and maintain state licensing for certain financial activities across all U.S. states and territories.

12. TMG is one of the largest NMLS-licensed Loan Brokers in the auto title loan, personal loan and installment loan product lines. This means that TMG is one of the largest lead-generation companies licensed to handle consumer financial data.

13. TMG works with various nationwide lenders, and for several of them, TMG is their largest partner, meaning its leads result in the greatest number of funded loans.

14. In late 2022 TMG discovered a competing website at www.maxcash.us which had copied content from TMG's own www.maxcash.com website, designed its own "Max Cash" logo, and was offering to connect customers with lenders. Through public WHOIS information, TMG learned that the competing domain name was owned by Pham Huy, who had previously been a TMG affiliate and sent leads to TMG for commissions. TMG was forced to use the

ICANN domain name dispute process to stop the infringing use. A copy of the decision from that dispute process is attached hereto as Exhibit A.

15. In early 2023 TMG discovered that a third party calling itself “MaxCashUSA” had placed a competing website at www.maxcashusa.com offering to connect customers with lenders.

16. In early 2023 TMG discovered that a third party calling itself “Max Cash Advance” had placed a competing website at www.maxploans.com offering to connect customers with lenders.

17. TMG is in the process of halting the infringements of its trademark rights by MaxCashUSA and Max Cash Advance.

18. Exhibit B hereto accurately reflects how the main page at TMG’s www.maxcash.com website appears in September of 2023.

I declare upon penalty of perjury under the laws of the United States that the above statements are, to the best of my knowledge, true and accurate.

Executed on September 21, 2023, in Oakbrook Terrace, Illinois.

Patrick McDermott

Patrick McDermott

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DECLARATION OF PATRICK McDERMOTT** was served via the Northern District of Illinois electronic filing system to:

Robert D. Leighton
Harleen Kaur
GOLDBERG KOHN LTD.
55 East Monroe Street, Suite 3300
Chicago, Illinois 60603

on this 21st day of September, 2023.

/s/ Mark R. Bagley

Mark R. Bagley

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